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BOOK REVIEWS.

A TREATISE ON STREET RAILWAY ACCIDENT LAW. By Ellery H. Clark. Second Edition. St. Paul: Keefe-Davidson Company. 1904. pp. xvi. 607.

STREET RAILROAD ACCIDENT LAW. By Andrew J. Nellis, Albany, N. Y.: Matthew Bender. 1904. pp. cxii. 711.

These books, on the same subject, made their appearance in the same month, and may well be discussed in the same article. Each is the outgrowth of a preceding work by its author. Mr. Clark's original treatise was entitled Street Railway Accident Law of Massachusetts, while Mr. Nellis's dealt with the entire law of Street Surface Railroads. Each bears unmistakable signs of its origin. Massachusetts statutes and decisions occupy a large place in Mr. Clark's present volume, and Mr. Nellis's contains many paragraphs which would scarcely be expected to appear in a monograph devoted to accident law.

Both of these books are intended to serve primarily as labor-saving devices for the practising lawyer. Neither one contains any extended or philosophical discussion of principles. Neither one aspires to a position higher than that of a complete and representative digest of modern cases on the subject treated. And yet, each work possesses merit, and each appears to have notable features not to be found in the other.

For the Massachusetts practitioner, Mr. Clark's book is more valuable than Mr. Nellis's; while the latter will be found the more useful to the New York lawyer, certainly, and probably, to the lawyer in most of the States, and in Canada. The chapters on pleading and on the respective functions of the Court and the jury form an important feature in Mr. Nellis's treatise. These topics are not dealt with by Mr. Clark, and his discussion of evidence, damages and negligence is briefer than Mr. Nellis's, and his views are supported by a smaller array of cases. His index, too, is meager in comparison with that furnished by Mr. Nellis. The latter is remarkably full, and should enable the busy lawyer to find quickly any topic in which he is interested. A feature of Mr. Clark's book, which will be appreciated by the practitioner is the table of cases, in which each case is indexed under the defendant's as well as under the plaintiff's name. This enables one, at a glance, to discover all the cases against a particular railroad company.

The publishers of each volume deserve unqualified praise for the form in which it is presented to the reader.

INTERSTATE SUCCESSION IN THE STATE OF NEW YORK. Daniel S. Remsen, of the New York Bar. Fourth Edition. New York: Baker, Voorhis & Company. 1904. pp. 154.

The first edition of this work, appearing nearly twenty years since, at once made a place for itself, and the fact that three editions have since been published is sufficient evidence that the place has not been lost.

The work is a manual for the busy lawyer, and so considered, as it should be, deserves high commendation. It is not, and does not pretend to be a text-book, nor does it attempt to give any history of the statutory law of New York relating to the subjects of descent and distribution, or any exposition of the reasons which have led to the adoption of the statutes now in force ; but, taking those statutes as interpreted by the courts as a basis, and adopting the admirable plan "of naming particular relations, and then stating their rights to take or share in the property of deceased persons," it gives the result of a laborious and painstaking analysis of the existing statutes, and does accurately and concisely make clear, as it purports to do, the rights of the living to the property of deceased relatives in cases of intestacy, and gives citations to authorities upholding the statements of the text.

The accuracy of prior editions has been recognized by the courts, and the present edition is not less accurate, although, having been published in January, 1904, it contains the statement which is not now the law, viz. : "Grandparents are incapable of inheriting real estate" (p. 54, § 5). By Chapter 106 of the Laws of 1904, which went into effect March 22nd, 1904, subdivision 5 was added to § 288 of the Real Property Law, and confers upon grandparents the right to inherit in the cases therein specified.

A book of this character is not calculated to bring fame to its author, but it renders an important service to his professional brethren, and makes them his debtors.

AMERICAN RAILROAD LAW. By Simeon E. Baldwin. Boston : Little, Brown & Company, 1904. pp. lxvi. 770.

Much matter has been excluded from this treatise which one might properly expect to find under such a title. This has been intentional and the purpose is avowed in the preface. All that great body of law concerning the obligation of railroads to their passengers and shippers of freight and the public in general has been treated in the most elementary fashion, and its consideration practically limited to one of the six parts into which the book is divided. On this particular phase of railroad law, therefore, the student or practitioner will not receive such practical help as he would derive from some of the older texts on carriers, such as Hutchinson, for example.

The scope of the discussion in four of the remaining five parts is restricted to what may be termed the administrative side of railroading in its legal bearing; such as the organization and reorganization of the corporation; the location, construction and equipment of the line; the financing of such an enterprise, and the various methods of transferring and encumbering the property. The discussion of the nature of the franchise is one which commends itself as the best single chapter in the book. It is lucid, incisive, and no better elementary treatment of the subject is to be found.

The sixth part treats of Actions, and this is followed by an appendix of illustrative forms. These forms are evidently the result of many years of practical experience, but it is not likely that many railroad counsel will substitute them for the forms in their own files. This is because such models cannot well be made of such general application